

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF INDIANA

Jeremy Huffman Sr.

V.

St. Joseph County Jail et, al

3:19-cv-169

-FILED-

MAR 11 2019

AL
ROBERT N. TRGOVICH, M.
U.S. DISTRICT COURT
NORTHERN DISTRICT OF INDIANAMOTION FOR APPOINTMENT OF
COUNSEL

• Pursuant to 28 U.S.C. § 1915(e)(1) plaintiff, Jeremy Huffman Sr. moves for an order appointing counsel to represent him in this case. In support of this motion, plaintiff states:

1. Plaintiff is unable to afford counsel. He has requested leave to proceed in forma pauperis.
2. Plaintiff's imprisonment will greatly limit his ability to litigate. This case is complex and will require significant research and investigation. Plaintiff has limited access to the law library and limited knowledge of the law. Plaintiff suffers from anxiety and depression that hinder his attention.
3. A trial in this case will likely involve conflicting testimony, and counsel would greatly enable plaintiff to present evidence and cross examine witnesses.

4. Plaintiff has made repeated efforts to obtain a lawyer. Attached to this motion are letters from attorneys, letters from the ACLU of Indiana, and a letter from the Indianapolis Bar Association with a list of potential lawyers. Very few lawyers responded to plaintiff's requests and the ones that did, refused to help.

• WHEREFORE, plaintiff requests that the court appoint counsel in this case.

March 4, 2019



Jeremy Huffman Sr. #16508-027
Federal Correctional Institution
P.O. Box 4000
Manchester, KY 40962



American Civil Liberties Union of Indiana

Section 11A 29831

February 17, 2017

Jeremy Hoffman
St. Joseph County Jail
401 W. Sample St.
South Bend IN 46601

Case: 1701-28

Dear Mr. Hoffman,

We have received your recent request for legal assistance. As I understand it, you wish us to assist you in filing a damages case against county or local defendants because of injuries that have been caused to you. Unfortunately due to our workloads and limited staff, we are unable to assist you. However, I do have some information which hopefully will be helpful to you.

Before you can file a lawsuit claiming any violations of state law you must file a tort claims notice. This is a formal notice that must be sent within 180 days of your loss. I have included for you a copy of the statute which describes the form that the notice should take. This notice must be sent, within the 180 day period, by certified mail or by personal service, to the governing body of the political subdivision that you are planning to sue and to the Indiana Political Subdivision Risk Management Commission, which is located at 311 West Washington Street, Suite 300, Indianapolis, Indiana, 46204. Please note that the notice must be given to the governing body of the political subdivision and not to the individual(s) involved. Once you give the notice, the government has 90 days to either pay the claims or deny it. If there has been no action after 90 days, the claim is deemed to be denied. You may then file a lawsuit. Generally you have two years to file your lawsuit from the date of your injury.

If you are an inmate, the Prison Litigation Reform Act requires a grievance procedure must be pursued to completion before you can file a claim of violation under federal law. If you are a county inmate prisoner, internal grievance procedures must also be pursued.

A tort claims does not have to be filed if you are basing your claim on a Constitutional violation. However, to be safe you should always file tort claims notice unless you have an attorney who indicates differently.

LOEVY & LOEVY

311 N. Aberdeen St., 3rd Floor, Chicago, Illinois 60607

March 30, 2017

CONFIDENTIAL LEGAL CORRESPONDENCE

Via U.S. Mail

Jeremy Huffman Sr.
113741
St. Joseph County Jail
401 W. Sample St.
South Bend, IN 46601

Re: Your request for legal representation

To Jeremy Huffman Sr.:

This letter is to inform you that after reviewing your file, we are unfortunately unable to take your case.

Please be advised that there are time limitations that govern the period in which a claim or lawsuit may be filed. Such time periods depend on the cause of action you may wish to pursue. However, we encourage you to follow up with other attorneys immediately to ensure that all legal rights are fully explored and protected.

We appreciate your decision to contact us, and wish you the best of luck in pursuing your claims.

Sincerely,

Loevy & Loevy

RIFKIN, BLANCK & RUBENSTEIN, P.C.

ATTORNEYS AT LAW

SUITE 115

11550 NORTH MERIDIAN STREET

CARMEL, INDIANA 46032

e-mail: cblanck@rifkinlegal.com

TEL (317) 844-8372

FAX (317) 573-5564

**Registered Civil Mediator

ROBERT S. RIFKIN

CLINTON E. BLANCK

CLIFFORD T. RUBENSTEIN**

May 30, 2017

CONFIDENTIAL ATTORNEY MAIL

Jeremy Huffman, Sr.
DOC # 113741
St. Joseph County Jail
401 West Sample Street
South Bend, Indiana 46601

Re: Huffman v. St. Joseph County Jail, *et al.*

Dear Mr. Huffman:

This follows your May 18, 2017 letter regarding a potential claim in the above-captioned. I have reviewed the letter and medical records you provided. I am returning your medical records with this letter.

Regrettably, our law firm is not willing to undertake representation in your case. You should continue searching for an attorney to represent you. Time is of the essence.

It appears you have potential claims for (1) medical malpractice against the jail physicians and (2) deprivation of your Fourth or Eighth Amendment rights under 42 U.S.C. § 1983, both of which have a two (2) year statute of limitations. Generally, under the Medical Malpractice Act, you must prove you were harmed by the health care provider's negligence. Under § 1983, you must show the jail officials were deliberately indifferent to your medical needs.

If you intend to allege any state-law-based tort claims against any county government individual or entity, you must serve the person or entity with a tort claim notice letter within 180 days of the harmful act or omission and, thereafter, file suit before the two-year anniversary of such act or omission.

Good luck with you case.

Sincerely,

RIFKIN, BLANCK & RUBENSTEIN, P.C.



Clinton E. Blanck

CEB:klw
Enclosure



American Civil Liberties Union of Indiana

June 23, 2017

Jeremy Huffman
St. Joseph County Jail
401 West Sample Street
South Bend, IN 46601
1701-28

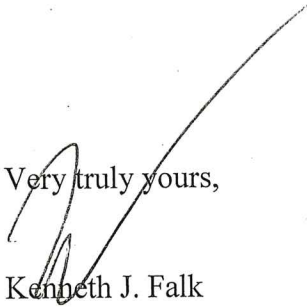
Dear Mr. Huffman,

Before our office contacted the jail in response to your inquiry concerning your medical situation I received your letter of May 7th in which you indicated you now wish to file for damages. Unfortunately, this is not something our office can do and given that it appears that that is what you want now we will not be able to make the contact that we discussed in our client agreement. I have, however, included for you an informational letter concerning tort claims and other remedies that hopefully offer some assistance. I have also included for you a listing of attorneys who might be able to assist you in the St. Joseph County area. There are undoubtedly other attorneys as well.

I am sorry we will not be able to assist you.

Thank you very much.

Very truly yours,


Kenneth J. Falk
Attorney at Law

KJF/mp

Mr. Huffman Sr.,

Thank you for contacting the Indianapolis Bar Association for your legal matter. The contact information for the attorney you have been referred is below:

Mr. Shannon G. Starr
(574) 299-6837
Law Office of Shannon G. Starr, LLC
PO Box 2626
West Lafayette, Indiana 47996

Or

Mr. Clinton E. Blanck
(317) 844-8372
11550 N Meridian St Ste 115
Carmel, Indiana 46032

Note: The attorneys on the Indianapolis Bar Association's Lawyer Referral Service are full-fee attorneys expecting to be paid for their legal services. Fees should be discussed directly with the attorney.

If you cannot afford an attorney feel free to contact the following agencies as they may be able to assist you.

The Neighborhood Christian Legal Clinic
3333 N. Meridian St. Indianapolis, IN 46208
317-429-4131 / Mon., Wed, & Fri. @ 1-877-230-7521

Indianapolis Legal Aid
615 Alabama St. #1200 Indianapolis, IN 46204
317-635-9538

Indiana Legal Services
151 N. Delaware St. #1800 Indianapolis, IN 46204
317-631-9410

Marion County Public Defender's Office
151 N. Delaware St. #200 Indianapolis, IN 46204
317-327-4100

Best,
LRS Staff

921309689

Jeremy Huffman

**LISTING OF INDIANAPOLIS AREA ATTORNEYS WHO MAY HANDLE
CIVIL RIGHTS CASES**

Note: These attorneys may, or may not, be willing to handle your case. They are not in anyway associated with the American Civil Liberties Union of Indiana and the American Civil Liberties Union of Indiana in no way recommends or vouches for any of the attorneys on the list. The attorneys are those who the ACLU-IN believes handles civil rights cases. To obtain the names of other attorneys, please call the Lawyer Referral Service of either the Indianapolis or Marion County Bar Association at 317-269-2222 or 317-634-3950, respectively.

Nathaniel Lee
127 E. Michigan Street
Indianapolis, IN 46204
317-631-5151

Peter Rosenthal
101 W. Ohio St
Suite 200
Indianapolis, IN 46204
317-640-3581

Jeff McQuary
Brown Tompkins & Lory
608 E. Market Street
Indianapolis, IN 46202
317-631-6866

Mark Sniderman
Sniderman Nguyen LLP
47 S. Meridian ST.
Suite 400
Indianapolis, IN 46204
317-361-4770

Richard Waples
410 North Audubon
Indianapolis, IN 46219
317-357-0903

Michael Sutherlin
PO Box 441095
Indianapolis, IN. 46204
317-634-6313

Scott L. Barnhart
Keffer Barnhart LLP
230 E. Ohio Street
Suite 600
Indianapolis, IN 46204
317-857-0160

Ryan Gardner
155 E. Market Street
Suite 450
Indianapolis, IN 46204
317-634-5544

~~Shalina Schaefer~~
~~Indianapolis, IN~~
~~(Ice Miller)~~
Jodi Garvey
Sweeney/Julian
800-815-4403

JK

JK

Pfeifer Morgan Stesiak
(574)272-2870
Ask For
Jerry

Christopher Myers
809 South Calhoun St
Suite 400
Fort Wayne, IN 46802
Phone (260)-424-0600

LOEVY & LOEVY

311 N. Aberdeen St., 3rd Floor, Chicago, Illinois 60607

Adair Rachel Crosley
adair@loevy.com

(312) 243-5900

December 13, 2018

Jeremy Huffman – 16508-027
FCI MANCHESTER
FEDERAL CORRECTIONAL INSTITUTION
P.O. BOX 4000
MANCHESTER, KY 40962

CONFIDENTIAL LEGAL CORRESPONDANCE

Dear Ms. Huffman,

I am writing about the difficulties you had with health care at the St. Joseph County Jail. Unfortunately, we are not able to take your case at this time. Please understand that our decision is based on several factors, including our limited resources, and does not mean that your case does not have merit.

I would encourage you to reach out to other attorneys. Alternatively, you may consider proceeding *pro se* (on your own). Many prisoners (and former prisoners) are forced to do so because it can be hard to find lawyers to take cases like these. You may want to stop in the law library where you currently are and ask what forms and guides they have for prisoners who want to file lawsuits.

Finally, if you do file a case *pro se*, you can ask the court to appoint a lawyer for you after it you have properly filed it. Please note that they may ask you to show that you made efforts to find a lawyer, and you can show them this letter as evidence.

Please keep in mind that all legal claims have deadlines that require you to file a lawsuit within a certain period of time in order to preserve your legal rights. These deadlines (called statutes of limitation) can be quite short—sometimes within one or two years—and may bar your claims if they expire before you file suit.

Thank you again for your interest and time. We regret that we cannot do more to help you at this time.

Sincerely,



Adair Crosley
Attorney